

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 12 2016

BY: JULIA G. DUDLEY, CLERK
DEPUTY CLERK

THURMAN ELMER WHITE,
Plaintiff,

Civil Action No. 7:15-cv-00467

v.

MEMORANDUM OPINION

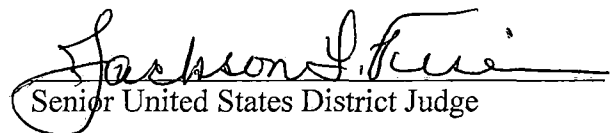
GERALD MCPEAK,
Defendant.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Thurman Elmer White, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 while incarcerated. By its Order entered August 28, 2015, the court advised plaintiff that a failure to update his mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, allegedly due to his release, and plaintiff has not contacted the court since September 3, 2015. Plaintiff has failed to comply with the court's Order requiring him to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's August 28, 2015, Order. Accordingly, I dismiss the complaint without prejudice and deny all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance). See also Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

ENTER: This 12th day of January, 2016.


Senior United States District Judge